

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

CHRISTOPHER M. DEVINE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 04-12186-NG
	)	
STOP AND SHOP COMPANIES,	)	
	)	
Defendant.	)	
	)	

**DEFENDANT'S MOTION FOR A PRELIMINARY INJUNCTION**

Pursuant to Fed.R.Civ.P. 65(a), the Defendant, the Stop and Shop Supermarket Company LLC ("Defendant" or "Stop and Shop"), respectfully moves this Court for a preliminary injunction against Plaintiff Christopher M. Devine ("Plaintiff" or "Devine"). In support of the instant motion, Defendant respectfully refers the Court to the Affidavit and Memorandum of Law it filed in support of its *Ex Parte* Emergency Motion for a Temporary Restraining Order (Docket Nos. 28, 26) on December 1, 2006. Defendant hereby incorporates those documents herein by reference. Specifically, Defendant requests that this Court:

A. Enter a Preliminary Injunction, ordering Plaintiff, for a period of one (1) year:

- (1) not to harass, harm, or contact or communicate with, by any means, Stop and Shop employees Fatima Cabral, Diana Paris or Robert Slarve;
- (2) not to come within 100 yards of Stop and Shop employees Fatima Cabral, Diana Paris or Robert Slarve;
- (3) not to come within 100 yards of Stop and Shop's counsel, Daniel B. Klein, except at any Court hearings, conferences or proceeding in this action.

B. Grant such other and further relief as this Court deems proper and just.

WHEREFORE, Stop and Shop respectfully requests that the Court grant its Motion for a Preliminary Injunction and issue the requested injunction against Plaintiff.

Respectfully submitted,  
THE STOP AND SHOP SUPERMARKET  
COMPANY LLC  
By its Attorney,

/s/ Daniel B. Klein

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DATED: December 6, 2006

**CERTIFICATE OF SERVICE**

I, Daniel B. Klein, hereby certify that on this 6<sup>th</sup> day of December, 2006, a true copy of the foregoing document, along with a true copy of Defendant's Affidavit and Memorandum of Law it submitted in support of its *Ex Parte* Emergency Motion for a Temporary Restraining Order, was served by first-class mail upon the Plaintiff, Christopher M. Devine, 6 Morgan Road, Mansfield, MA 02048.

/s/ Daniel B. Klein  
Daniel B. Klein